

CHARTER REVIEW COMMISSION
Wednesday, October 10, 2007 – 8:00 a.m.
6th Floor Conference Room
Council Office Building

Commission Members Present:

Nancy Soreng, Chair
Michael Cogan
Karen Czapanskiy
Dianne Felton
Wilbur Friedman
Mollie Habermeier
Robert Shoenberg
Judith Vandegriff – via phone
Anne Marie Vassallo
Charles Wolff

Commission Members Absent:

Alice Gresham Bullock, Vice-Chair

Staff:

Justina Ferber, County Council
Marie Jean-Paul, County Council
Amanda Mihill, County Council

Guests:

Councilmember Marc Elrich
Councilmember Michael Knapp
Councilmember Marilyn Praisner
Michael Faden, County Council
Glenn Orlin, County Council
Dale Tibbitts, Office of Councilmember Elrich

Commission Chair Nancy Soreng called the meeting to order at 8:05 a.m.

I. Administrative Items

Approved the minutes from the September 12 Commission meeting. Motion made by Wilbur Friedman and seconded by Mollie Habermeier. Those in favor: Dianne Felton, Wilbur Friedman, Mollie Habermeier, Robert Shoenberg, Nancy Soreng, Judith Vandegriff, and Anne Marie Vassallo.

Commission members discussed the petition Robin Ficker has been circulating to place a charter amendment on the November 2008 ballot to require all 9 Councilmember to approve any property tax increase. On questioning by Ms. Soreng, Justina Ferber stated that the Commission is not limited from commenting on petitions that are circulating. Ms. Ferber indicated that among its options, the Commission could take a position, not take a position, or hold a hearing on the petition proposal.

II. Meeting with Councilmember Marilyn Praisner

Councilmember Praisner recommended that several provisions in the Charter (e.g., 311A, 313A) have been the subject of court cases, are no longer relevant and should be removed from

the Charter. Councilmember Praisner also mentioned that a Council staff member has proposed excluding special taxing districts that cover a limited geographic area from Charter Section 305's limitation on property tax revenue growth to the rate of inflation. Councilmember Praisner expressed concerns regarding this proposal because of the potential that special taxing districts could be manipulated to pay for services that they were not created for and could lead to those taxing district residents not supporting general taxes because they could pay for their needs through a special fund.

Councilmember Praisner stated her belief that the structure of the Council is adequate and cautioned that if the number of Councilmembers increased, the Council may become inefficient. Councilmember Praisner argued that the number of constituents is generally manageable and suggested that although it was not a Charter issue, an increase in staff resources for Councilmembers (especially district Councilmembers) may be helpful. Councilmember Praisner emphasized that the answer is a service/workload issue, not a representation issue. She is friends with County elected officials in other jurisdictions nationally who serve the same or even more population.

Commission members discussed the balance of power between the Council and the County Executive and the suggestion that decisions can be made more quickly in the Executive branch. A Commission member cited Park and Planning as an example. Councilmember Praisner noted that Park and Planning was a bad example because Park and Planning is a state law issue, not a Charter issue. Councilmember Praisner also noted that even within the Executive branch, some believe that Executive departments do not necessarily work well with similar and other functions.

Commission members discussed the increase in the number of non-merit positions and other budgetary issues, including performance-based pay. Councilmember Praisner suggested that the Commission speak to the Merit System Protection Board regarding comments on these types of Charter issues. Regarding non-merit positions, Councilmember Praisner noted that this relates to "at-will" status and noted that government restructuring proposals may result in some additional non-merit positions.

One Commission member questioned why certain community association members pay the same taxes as the general public, but in their community, some of the roads and water systems are maintained by the association. Councilmember Praisner responded that those associations are eligible to receive a payment from the County for maintaining eligible roads and noted that associations maintain certain facilities only if they meet certain criteria.

In response to a Commission member question, Councilmember Praisner noted that during the last election, County residents supported a Charter amendment that would consider Councilmembers as being full-time positions, but the issue of compensation is a separate issue that would be dealt with by a Compensation Commission and no Commission has been created since the last election. Even if compensation were to change it would apply to the next Council, not this one.

III. Meeting with Councilmember Marc Elrich

Councilmember Elrich stated his position that Council districts have gotten too big and that the Charter should be amended to change the district/at-large composition to all district or a hybrid with more districts and fewer at large districts (e.g., 8 district Councilmembers and 3 at-large members) as has been proposed by Ike Leggett. Councilmember Elrich stated that smaller districts are a form of campaign reform because candidates do not need as much money to run for office. For example, Councilmember Elrich noted that market research suggests candidates should send out 5-7 mailings during their candidacy, resulting in a cost of \$13,000 for district candidates and \$20,000 per mailing for at large candidates. He suggested a bulk mailing scheme with all candidate's literature to cut down mailing costs and mailbox overload. Councilmember Elrich argued that district Councilmembers are not parochial because it is not in anybody interest to be parochial.

Councilmember Elrich discussed potential campaign finance reform enabling legislation and questioned whether there is a role in the Charter for campaign finance reform if the County receives enabling legislation from the state. Examples of campaign finance reform could include contribution guidelines (donations received from residents outside a particular districts and donations received from those who that have business before the Council, or multiple LLCs controlled by the same individuals who can essentially give multiple times) and public funding of campaigns to level the playing field. Commission members also discussed with Councilmember Elrich the benefits of "preference voting" and instant run-off voting.

Some Commission members questioned whether an increase to 8 district representatives would make a difference in constituent relations. Councilmember Elrich responded that additional district representatives may be needed. He noted that it was his observation that district councilmembers receive many more constituent services requests than at-large members.

Commission members discussed with Councilmember Elrich how the internet has affected the distribution of information in election campaigns, including the associated privacy issues. It was discussed that a website can provide a lot of information about a candidate, but only if a voter is aware of the website.

III. Meeting with Councilmember Mike Knapp

Councilmember Knapp noted his observation that some departments and agencies have suggested that the budget cycle be extended from every year to every 2 years and noted that once a budget is approved, departments are already looking at the following year's budget. Responding to questions from the Commission, Councilmember Knapp noted that although there is a 5-year public services budget, the 5-year plan does not dictate expenditures on a year to year basis.

Councilmember Knapp discussed the composition of the Council and stated that he supported the mix between district and at-large representation and did not take a position on whether there should be more district representatives. Councilmember Knapp noted that at large

members **can** have a more broad view of issues before the Council and district members are more **constituent** service-oriented. Councilmember Knapp discussed the competing interest on the Council and noted that with the current composition of the Council, a district representative has to gain the support of the 4 at large members to have a majority on the Council. Councilmember Knapp suggested that the size of the Council could be marginally increased, but suggested that it be the same split.

Councilmember Knapp also discussed the spending affordability guidelines process and suggested that while the process was a good concept, but suggested that there could be a great difference between what is affordable and what you need to spend.

Responding to questions from Commission members, Councilmember Knapp stated that although his district is large and he often has to drive from one side of the County to the other, this will always be the case because of land use policies and that areas of the County can be very different when compared to other areas. Councilmember Knapp also suggested that an increase in staff resources could help, especially district Councilmembers because of the number of constituent-driven issues district representatives face.

Ms. Soreng adjourned the meeting at 9:40 a.m.